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KLARQUIST SPARKMAN

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AC/TMH:gth 09/12/06 EP04-001C-US  
PATENTAttorney Reference Number 6616-72693-06  
Application Number 10/554,386

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Message: Transmitted herewith for filing in the below-identified application is a Correction of Entity Status. If you do not receive all pages or if you have problems receiving this transmittal, please call Garrett Hinsley at (503) 595-5300.

**In re application of:** Clendennen and Lightner**Application No.** 10/554,386**Filed:** October 25, 2005**Confirmation No.** 1886**For:** GENES UPREGULATED IN A TOMATO PLANT HAVING AN INCREASED ANTHOCYANIN CONTENT PHENOTYPE**Examiner:****Art Unit:** 1638**Attorney Reference No.** 6616-72693-06**CERTIFICATE OF FACSIMILE**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being facsimile transmitted to fax number (571) 273-8300 on the date shown below.

Attorney or Agent  
for Applicant(s)Date Transmitted September 12, 2006**CORRECTION OF ENTITY STATUS**

Applicants respectfully request the correction of entity status to "large entity" for the above-referenced application. Small entity status was established in error by the United States Patent and Trademark Office ("USPTO") at the time of filing of the application, due to underpayment of fees by Applicants. Small entity status has never been claimed, and the error occurred in good faith with no intention to mislead or commit fraud against the USPTO. Fees were paid in good faith to cover the filing, searching and examination of the referenced application, and small entity fees were paid with the Response to Missing Parts filed with the USPTO on August 8, 2006, in good faith.

As required to correct entity status under 37 CFR §1.28(c)(2)(i) and §1.28(c)(2)(ii), Applicants submit the following items with this letter:

**Deficiency Payment:** Under 37 CFR §1.28(c)(2)(i), the Director is hereby authorized to charge \$165.00 from Deposit Account No. 02-4550 to cover all deficiencies

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of payment resulting from the previous errors in fee calculation and subsequent erroneous payment of small entity fees. The Director is authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550.

**Itemization of Deficiency Payment:** Under 37 CFR §1.28(c)(2)(ii), Applicants itemize all fees paid as a small entity, the date of payment, and the deficiency owed for each fee previously paid as a small entity, and the total deficiency payment owed, which Applicants calculate as \$165.00.

Fee Description	Date of Payment	Fee Paid	Outstanding Amount
Basic Filing Fee	10/25/2005	\$300.00	\$0.00
Examination Fee	10/25/2005	\$100.00	\$100.00
Search Fee	10/25/2005	\$100.00	\$0.00
Late Declaration Fee	08/08/2006	\$65.00	\$65.00
<b>TOTAL</b>			<b>\$165.00</b>

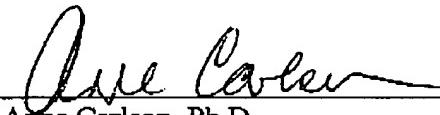
Should any further information or documentation be required to rectify the entity status for the referenced application, please contact the undersigned.

Respectfully submitted,

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